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Dated: May 7, 2007

Signature: 

(Kelly Y. Hwang)

ITW

Docket No.: LOREAL 3.0-046
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Guillaume Cassin

Application No.: 10/706,711

Group Art Unit: 1618

Filed: November 12, 2003

Examiner: B. M. Fubara

For: COMPOSITIONS COMPRISING A
TENSIONING POLYMER AND AN
IONIC AMPHIPHILIC POLYMER

RESPONSE TO ELECTION OF SPECIES/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed April 9, 2007, setting forth an Election of Species Requirement. Specifically, the Examiner has required Applicant to elect one specific disclosed composition, including (i) one specific disclosed tensioning polymer, and (ii) one specific amphiphilic polymer.

In response, Applicant hereby elects, as follows:

- (i) as the one specific disclosed tensioning polymer: interpenetrated polymer network (IPN) comprising a polyurethane polymer and a polyacrylic polymer, and
- (ii) as the one specific amphiphilic polymer: copolymer of acrylic acid and alkyl (C₁₀-C₃₀) acrylate (ester of formula III with R₁ = H and R₂ = C₁₀-C₃₀ alkyl).

The following claims are readable on this selection: claims 1-2, 4-46. This election is made with traverse.

Applicant wishes to refer the Examiner to M.P.E.P. § 803.02, which states as follows:

If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions.

This section instructs the Examiner not to issue a restriction requirement in a case such as the present one, where the members of the claimed Markush group share a common utility, as is clearly the case here. In the present application, claim 2 constitutes a Markush group of various tensioning polymer particles, and claim 8 constitutes a Markush group of various amphiphilic polymers.

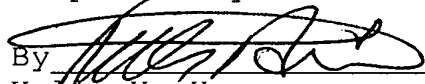
Thus, Applicant respectfully requests that all members of the claimed Markush group be examined at the same time, even though they are directed to independent and distinct inventions.

Applicant reserves the right to file a divisional application corresponding to the non-elected subject matter.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 7, 2007

Respectfully submitted,

By 
Kelly Y. Hwang

Registration No.: 51,831
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant